



*For people with intellectual
and developmental disabilities*

December 12, 2013

The Honorable Eric Holder
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

The Arc of the United States has worked extensively over the years with many staff and officials in the U.S. Department of Justice to ensure that the rights of people with intellectual and developmental disabilities (I/DD) are protected throughout mainstream community life and within the criminal justice system. We have known very competent, inspiring, and visionary DOJ employees working over many decades to ensure full participation for people who face significant barriers in everyday life. We have seen remarkable progress in implementation of the Americans with Disabilities Act and the U.S. Supreme Court's *Olmstead* decision, particularly in recent years. We are now looking forward as we begin an exciting new chapter with DOJ start-up funding of a new National Center on Criminal Justice and Disability.

With DOJ's commitment to the protection of rights of people with disabilities, we were appalled to read news reports of the Bureau of Alcohol, Tobacco, and Firearms (ATF) agents engaging in entrapment and exploitation designed to prey on the intellectual disability of individuals whom ATF agents sought to engage in their stings, some of whom have been prosecuted for their participation. The targeting and use of people in this way, exploiting their disabilities, flies in the face of the excellent work of the Civil Rights division in pursuing full implementation of the Americans with Disabilities Act and the *Olmstead* decision. This reported behavior, if true, by a federal department charged with protecting the rights of people with disabilities must not be allowed to continue.

While this information is appalling, unfortunately, it is not surprising to The Arc. This type of injustice against people with I/DD occurs more often than the general public realizes. Individuals with I/DD are over represented in the criminal justice system and often used by other criminals without I/DD to carry out criminal activity. They typically have limited, if any, understanding about their involvement in a crime or consequences of being involved in a crime. With few options for or opportunities to build safe relationships, their strong need to be accepted by peers in their own communities can create a unique vulnerability that people without I/DD do not experience.

Achieve with us.™

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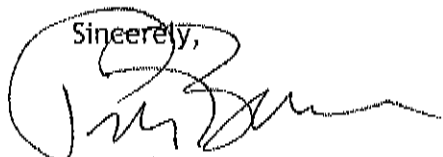
Peter V. Berns

If the media stories about the ATF are based in truth at all, we believe that the harm done to individuals by agencies of their government is so egregious that the following actions are needed immediately:

- Establish an immediate investigation into the ATF practices which led to the news reports;
- Ensure an immediate halt to all practices which exploit people based on their intellectual and/or developmental disability;
- Require ATF to suspend any ongoing investigations that are targeting people known to have I/DD;
- Develop and implement a training program for ATF agents nationwide that provides specific information on how to identify persons with I/DD, and establish protocols to ensure they are no longer targeted or sought out as informants due to having a disability;
- Encourage the Inspector General to escalate the investigation to cover ATF more broadly and bring the investigation to conclusion sooner rather than later; and
- Petition the courts for equitable redress where people with intellectual disabilities are serving time for crimes initiated or furthered by the actions of ATF agents.

Without a firm repudiation of the reported behaviors by ATF agents, the public and the disability community, in particular, will lose faith in a department which it trusts to protect its rights, not to entice vulnerable people into legal trouble. The Arc is committed to working closely with the appropriate federal agencies to inform protocol and training development for ATF agents, and be of assistance on this important matter as needed. The goal of The Arc's National Center on Criminal Justice and Disability is to bridge the gap between the disability and law enforcement communities, creating access to justice and safer lives for people with I/DD. We stand ready to assist you in addressing these issues.

Sincerely,



Peter V. Berns
Chief Executive Officer, The Arc

cc: Cecilia Munoz, Assistant to the President and Director of the Domestic Policy Council